

2023R00918/JFM

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
	:	Crim. No. 23-1080 (RBK)
v.	:	
	:	21 U.S.C. § 846
	:	21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
JOSE FONTANEZ	:	

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT 1

(Conspiracy to Distribute and Possess with Intent to Distribute
Cocaine and Fentanyl)

From in or around May 2022 through in or around January 2023, in Union County, in the District of New Jersey and elsewhere, the defendant,

JOSE FONTANEZ,

did knowingly and intentionally conspire and agree with others to distribute and possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and a quantity of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Section 846.

COUNT 2

(Distribution and Possession with Intent to Distribute Cocaine)

On or about January 4, 2023, in Middlesex County, in the District of New Jersey and elsewhere, the defendant,

JOSE FONTANEZ,

did knowingly and intentionally distribute and possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

FORFEITURE ALLEGATION

As a result of committing the controlled substance offenses in violation of Title 21, United States Code, Sections 846 and 841, as charged in Counts 1 and 2 of this Information, the defendant,

JOSE FONTANEZ,


shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the said offenses and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses alleged in this Information.

SUBSTITUTE ASSETS PROVISION
(Applicable to All Forfeiture Allegations)

If any of the property described above, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above described forfeitable property.


PHILIP R. SELLINGER
United States Attorney